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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/053,832	04/01/1998	WILLIAM M. OWENS	28.733	1786

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EXAMINER

GOODMAN, CHARLES

ART UNIT	PAPER NUMBER
3724	2 8

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/053,832	OWENS, WILLIAM M.
	Examiner Charles Goodman	Art Unit 3724
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<p><b>Period for Reply</b></p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<p><b>Status</b></p> <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>17 January 2003</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL.                    2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<p><b>Disposition of Claims</b></p> <p>4)<input checked="" type="checkbox"/> Claim(s) <u>3,9 and 15-32</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>9-13</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>15-32</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<p><b>Application Papers</b></p> <p>9)<input checked="" type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<p><b>Priority under 35 U.S.C. §§ 119 and 120</b></p> <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
<p><b>Attachment(s)</b></p> <p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)                    4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .                    6)<input type="checkbox"/> Other: _____</p>		

### **DETAILED ACTION**

1. In view of the Substitute Appeal Brief filed on January 17, 2003, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

#### ***Election/Restrictions***

2. Claims 9-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

- i. P. 3, ll. 18-21, the use of the trademarks "Scandera Red Carbox Rough Top" and "Browning Manufacturing Company" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks

is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

- ii. P. 5, l. 13, the phrase "spring or pneumatic cylinder loaded arm (12, 18, 20, 45)" is not clearly understood. References "12" and "45" have been used to designate a "spring loaded arm", and now they are referred to as a "pneumatic cylinder loaded arm". Which is which? If the arms 18, 45 can also be "pneumatic cylinder", then it is suggested that this alternative be set forth during the first instance of the references so that the specification is clear.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 15, 18-21, and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers in view of Conrad and Baranski.

Chambers discloses the invention substantially as claimed except that Chambers does not show a pair of input-side and output-side pulleys for the input conveyors (10) and the output conveyors (20) although it appears that such an arrangement is inherent. Chambers also lacks a groove and strip.

Initially it is noted that as per the last Office Action, belts with the notch grips has been disclosed as a commercially available belt.<sup>1</sup> For this reason alone, this feature is obvious.

In the alternative, Conrad teaches a conveyor having a pair of input-side and output-side pulleys (note e.g. the pulleys 12, 14) an endless belt having a non-skid surface (e.g. rubber surface) wherein the belt (e.g. 26, 28) includes guide strips (e.g. each longitudinal row of projections 34) having V-shaped notches (these notches defined by the spaces between the notches as shown, e.g., in Fig. 7), wherein each strip has two side faces (e.g. the sides denoted by the walls on pyramids 42) and a top face (e.g. 46), the side faces tapering away from the opposing surface and ending at the top face, the notches distributed longitudinally of the endless belt and extending from the top face toward, without contacting with, the opposing surface, and a pulley (e.g., 12, 14, 76) having annular grooves (e.g. 24 in Fig. 1 and the groove being defined between the annular rings 82 in Fig. 6), the grooves having a shape conforming to the shape of the strips, for the purpose of positively maintaining tracking of the belt. See Figs. 1, 2, 6-7, and 9a-b for comparison of endless belt and respective pulleys, c. 1, ll. 61-65, , c. 3, ll. 4-48, and c. 4, ll. 45-58. In addition, due to the fact that the guide strips are not continuous, i.e. the notches break the continuity of the individual strip, it appears that this arrangement also maximizes the flex of the belt during movement around the respective pulleys. Moreover, Baranski teaches that it is well known in the sawing art to employ an endless belt conveyor having a guide strip in the belt and a groove in the pulley. More specifically, Baranski teaches a conveyor comprising a pair of input side

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<sup>1</sup> See e.g., specification, p. 3, ll. 14-27.

and output side pulleys (126, 128), an endless belt having a non-skid upper surface and a guiding strip (156), and the pulleys each having a circumferential groove (122, 124) sized and shaped to match the strip, wherein the belt positively feeds material through a processing unit without any lateral deviation of the belt due to the strip riding in the grooves. See Figs. 4-5, c. 4, l. 22-68. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device of Chambers with the input-side and output-side pulley, the endless belts having a guide strip with V-shaped notches, and each of the pulleys having an groove as taught and suggested by Conrad and Baranski in order to facilitate positive tracking of the belt and thereby the work to be cut wherein the belt exhibits enhanced training around the respective pulleys due to the notches thereon.

Regarding claims 28-29, the modified device of Chambers discloses the invention substantially as claimed except for a work bed. However, Baranski also teaches a work bed (114) disposed immediately below a portion of the endless belt having another groove (120) also sized and shaped to match the strip for the inherent purpose of assisting in supported feeding of the work to be cut while enhancing the tracking of the belt while feeding work thereon. See c. 4, ll. 30-41 and *Id.* Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Chambers with the work bed and groove as taught by Baranski in order to facilitate positive tracking of the endless belt in the region of work load wherein the work is not supported by the pulleys.

6. Claims 16, 17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers in view of Baranski as applied to claims 15, 18-22, and 25-32 above, and further in view of Zimmerman.

Regarding claim 16, the modified device of Chambers discloses the invention substantially as claimed except that Chambers lacks specific details of driving the respective conveyors, i.e. driving of certain pulleys by a single power unit. However, Zimmerman teaches that driving of conveyors by a single power unit is a well known driving means in the art. More specifically, Zimmerman teaches a power unit (44) driving the input-side pulley (e.g. at 40c) of the output conveyor (36) and the output-side pulley (e.g. at 40d) of the input conveyor (38) wherein the other pulleys of the respective pairs are passively driven by the driven pulleys and further wherein positively driven pulleys are driven at the same speed so as to feed the material through the processing unit at a uniform rate. Fig. 3. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Chambers with the conveyor driving arrangement as taught by Zimmerman in order to facilitate a simple drive for uniform rate of movement of the material through the processing apparatus.

Regarding claim 23, the modified device of Chambers discloses the invention substantially as claimed except for at least one hold-down member. However, both Baranski and Zimmerman teach that hold-down members are old and well known in the art to facilitate clamped feeding engagement of the material being fed. Note the hold down member 98 in Figs. 1 and 4, c. 4, l. 59 - c. 5, l. 18, in Zimmerman. Note the hold down members 86 in Fig. 3 of Baranski. Thus, it would have been obvious to the

ordinary artisan at the time of the instant invention to provide the modified device of Chambers with the hold down members as taught by Baranski and Zimmerman combined in order to facilitate clamped feeding engagement of the material being processed.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 15-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

cg  
April 7, 2003

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